

APPEAL NO. 040792  
FILED MAY 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 9, 2003, and March 3, 2004. The hearing officer decided that: (1) the appellant (claimant) did not sustain a compensable injury; (2) the respondent (carrier) is relieved from liability under Section 409.002, because the claimant failed to timely notify his employer of the claimed injury as required by Section 409.001; and (3) the claimant did not have disability. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier asserts that the claimant's appeal was not timely filed. Alternatively, the carrier urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed with the Texas Workers' Compensation Commission within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code. Section 410.202(a) and (d). In his appeal, the claimant states that he received the hearing officer's decision on March 15, 2004. The last date for the claimant to timely file an appeal was April 5, 2004. The appeal was signed and postmarked on April 6, 2004. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **ROYAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
701 BRAZOS STREET, SUITE 1050  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge